

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES JONATHAN NICOLAU,

Defendant.

4:13MJ3046-2

DETENTION ORDER

After affording the defendant an opportunity for a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), the court concludes the defendant must be detained pending a preliminary hearing.

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a drug crime under the Controlled Substances Act (21 U.S.C. § 801 et seq.), for which the defendant could be required to serve ten or more years in prison. The defendant has not rebutted this presumption.

Specifically, the court finds that the defendant has a criminal record which indicates a propensity to violate the law and orders of the court; has a substance abuse addiction or abuses mood-altering chemicals and is likely to continue such conduct and violate the law if released; has limited contacts with the community; has failed to appear for court proceedings in the past; waived the right to a detention hearing; and no conditions or combination of conditions are currently available which will sufficiently ameliorate the risks posed if the defendant is released.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

May 21, 2013.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge